

Case 1:17-cv-02275-ILG-LB

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IMELDA ALCIVAR, :

BROOKLYN OFFICE

Plaintiff, :

Case No.:17-cv-2275 (ILG)(LB)

-against- :

ENHANCED RECOVERY COMPANY, :

Defendant. :

-----X

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff, Imelda Alcivar, and Defendant, Enhanced Recovery Company, LLC, by and through their respective undersigned attorneys, hereby jointly stipulate to dismiss Plaintiff's claims, pursuant to Rule 41(a)(1)(A)(ii), Fed.R.Civ.P., as follows:

1. The Parties jointly stipulate to dismissal, with prejudice, of all claims in the above-entitled action by Plaintiff against Defendant.

2. Defendant's stipulation to the dismissal of this matter is expressly conditioned on the Defendant being permitted to re-notice the Motion for Attorneys' Fees, as set forth in Docket Entries Nos. 38 and 33, and conditioned upon the Court's reservation of jurisdiction to consider and hear said motion.

3. Subject to the Court directing the Parties otherwise, the Parties further stipulate that, upon Defendant filing a Re-Notice of Motion for Attorneys' Fees, Defendant's previously filed Memorandum of Law in Support of Motion for Attorneys' Fees (Dkt. 33), and Plaintiff's previously filed Memorandum of Law in Opposition to Defendant Enhanced Recovery Company's Motion for Attorneys' Fees (Dkt. 37), shall serve as the initial briefing of the Parties

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with respect to the re-noticed motion. The Parties further stipulate that Defendant's reply memorandum in support of the motion shall be filed with the Court by Friday, November 16, 2018, after which, Defendant shall provide courtesy copies of the fully briefed motion to the Court.

Dated: November 5, 2018

Respectfully Submitted,

SMITH, GAMBRELL & RUSSELL, LLP

/s/ Scott S. Gallagher

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Attorneys for Defendant

*Do Order
DH Haff
11/6/18*

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2018, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to:

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/s/ Scott S. Gallagher

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